

# 4948 ROYAL



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR  
WEDNESDAY, OCTOBER 3, 2011**

**CODE COMPLIANCE DIVISION**

**MEMORANDUM**

September 20, 2012

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services  
Department

FROM: Bill Stern., Deputy Building Official

SUBJECT: 4948 Royal Drive, El Paso, Texas 79924-3119

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on May 19, 2012 and again June 5, 2012, the structure was found open, abandoned and being used as harborage by unwanted persons. The structure is in a state of disrepair due to lack of maintenance. The single family dwelling was built in 1961, constructed of wood framing with brick veneer and siding and a wood framed roof structure. The structure has been vandalized. The roof system is failing due to lack of maintenance. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Tawny J. & Joni Y. Wright on June 13, 2012.
- 3) Certified notices of the public hearing scheduled for October 3, 2012, were mailed to the owners and all interested parties on September 12, 2012.
- 4) As of September 19, 2012, no taxes are owed.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the main structure be secured within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division  
September 26, 2012

**NOTICE OF VIOLATION**

Tawny J & Joni Y Wright  
P. O. Box 1351  
Vienna, VA 22183

Re: 4948 Royal Dr.  
Blk: 38 Sun Valley Dr. #6  
Lot: 26  
Zoned: R3  
ENHS12-00370  
7108 2133 3932 7268 8537

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.108.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

### **18.50.108.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **4948 Royal Dr., El Paso, Texas, 79924** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- b. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Kevin D. Harrell  
Building Inspector

## **NOTICE OF PUBLIC HEARING**

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

**LOCATION:** El Paso City Hall, 2 Civic Center Plaza, Council Chamber, 2<sup>nd</sup> Floor, El Paso, Texas 79901

**DATE:** October 3, 2012

**TIME:** 5:30 p.m.

**PROPERTY:** 4948 ROYAL DR., EL PASO, TEXAS also described as Lot 26, Block 38, SUN VALLEY ADDITION, UNIT SIX, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 10, Page 36, of the Deed of Records of El Paso County, Texas, commonly known as 4948 Royal Dr., El Paso, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Tawny J. Wright & Joni Y. Wright, P. O. Box 1351, Vienna VA 22183, Tawny J. Wright & Joni Y. Wright, 4948 Royal Dr., El Paso, TX 79924-3119, El Paso Realtors Credit Union, 6420 Gateway East, El Paso, TX 79905, Chemical Mortgage Company, 200 Old Wilson Bridge Rd., Worthington, Ohio 43085 are the owners, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about June 5, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

- Perform any and all work necessary to bring the property into compliance with the Commission's order;

- Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

- Appoint a receiver as permitted by state law; and

- Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

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John R. Batoon  
Assistant City Attorney

APPROVED AS TO CONTENT

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Bill Stern, C.B.O.  
Deputy Building Official  
Code Compliance Division

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 4948 Royal, El Paso, Texas was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2012.

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Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tawny J. Wright & Joni Y. Wright  
P.O. Box 1351  
Vienna, VA 22183

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Tawny J. Wright & Joni Y. Wright  
4948 Royal Dr.  
El Paso, TX 79924-3119

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Realtors Credit Union  
6420 Gateway East  
El Paso, TX 79905

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Chemical Mortgage Company  
200 Old Wilson Bridge Rd.  
Worthington, Ohio 43085

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 4948 Royal Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice was POSTED at 4948 Royal Dr., El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

# UNSAFE STRUCTURES REPORT

## CODE COMPLIANCE DIVISION

**DATE OF EXAMINATION:** June 5, 2011

**REP. DISTRICT:** 4

**ADDRESS:** 4948 Royal Dr., El Paso, Texas, 79924

**ZONED:** R-3

**LEGAL DESCRIPTION:** 38 Sun Valley #6, Lot 26

**OWNER:** Tawny J. Wright & Joni Y Wright

**ADDRESS:** 4948 Royal Dr.  
El Paso, Texas 79924-3119

**BUILDING USE:** Abandoned single-family dwelling

**TYPE OF CONSTRUCTION:** Type V

**FOOTINGS:** Concrete

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete

**CONDITION:** Fair. Tile and or carpet have been removed exposing concrete.

**EXTERIOR WALLS:** Wood frame with brick veneer and siding.

**HEIGHT:** 8'-10'+/-

**THICKNESS:** 8"-12"+/-

**CONDITION:** Fair. Exterior walls are starting to show some deterioration due to exposure to elements and lack of maintenance

**INTERIOR WALLS & CEILINGS:** Wood frame with gypsum board.

**CONDITION:** Poor. Walls are quickly deterioration due to damage by vandalism activity.

**ROOF STRUCTURE:** Wood frame with composition asphalt shingle covering.

**CONDITION:** Poor. A registered roof contractor must be hired to evaluate roof system.

**DOORS, WINDOWS, ETC.:** Wood frame doors, aluminum frame windows.

**CONDITION:** Poor. Broken or missing door and broken window glass, doors and windows will need to be replaced to meet minimum code compliance

**MEANS OF EGRESS:** Does not meet means of egress

**CONDITION:** Poor. Doors and windows must be replaced to meet means of egress building code compliance.

**PLUMBING:** Unknown.

**CONDITION:** Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

**ELECTRICAL:** Unknown. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

**MECHANICAL:** Unknown. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes      **BARRICADED:** No      **POLICE AID REQD.:** Yes

**REMARKS:** The single family dwelling was built in 1961. The structure was found open, abandoned and used as harborage by unwanted persons. The structure has been vandalized. The doors and the glass on windows have also been broken. The roof system is failing due to lack of maintenance. There are weeds, trash and debris throughout the property. The department recommends that the structure be secured and maintained secured and that the property be cleaned of all weeds, trash and debris within thirty (30) days.

Kevin D Harrell

**Building Inspector**